

AMENDMENTS TO THE DRAWINGS

Applicant submits herewith a replacement drawing sheet to correct a drawing error in Fig. 2. In particular, Fig. 2 is a cross-sectional view of a portion of the vehicle trim panel taken along line 2-2 in Fig. 1. To be consistent with the view shown in Fig. 1, the respective positions of inner and outer panels 18 and 26 should be as shown in the replacement drawing sheet. The inner and outer panels were erroneously inverted in the original drawing. No new matter is being introduced by the revised drawing.

Attachment: Replacement Sheet

REMARKS

This paper is submitted in response to the Office Action mailed on April 21, 2005. Claims 1, 2, 4-7, and 9-15 have been amended. Claims 1-15 remain in the present application. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

In regard to the drawings, a drawing error in Fig. 2 was discovered when preparing this Response. The drawing error has been corrected herein. No new matter is being introduced by this amendment to Fig. 2.

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Published Patent Application 2002/0125734 by Pokorzynski et al. ("Pokorzynski"). Examiner appears to have applied Pokorzynski using two alternative interpretations in order to reject all the claims in the application. The first interpretation of Pokorzynski appears to identify the foam layer (35) as the "inner panel" and the skin (25) as the "outer panel." With this interpretation, Examiner asserts:

The flexible outer panel (25) covers a portion of the outer surface of the inner panel (35) and extends beyond the perimeter of the inner panel (35). The flexible outer panel is made of one of many materials including urethane, a known thermoplastic elastomer. The flexible outer panel reduces the gap between the inner panel (35) and the body (18)."

(Office Action, p. 2). Based on this interpretation, Examiner rejected claims 1, 2, 4-7, 9-12, 14 and 15.

In a similar manner, the second interpretation of Pokorzynski appears to identify the skin (25) as the "inner panel" and the panel (18) as the "outer panel." With this interpretation, Examiner asserts:

the inner panel (25) is attached to a flexible outer panel (18) by molding the two pieces together. While the outer panel (18) is disclosed to be rigid, the panel is inherently capable of flexing due to its size, shape and material.The outer panel (18) reduces the gap between the inner panel (25) and the vehicle body (12).

(Office Action, p. 2). Based on this interpretation, Examiner rejected claims 1-3, 6-8, 11 and 13. Using both interpretations then, Examiner asserts that pending claims 1-15 are anticipated by Pokorzynski.

Applicant has amended independent claims 1, 6 and 11 to distinguish over Pokorzynski. In particular, claims 1 and 6 have been amended to specifically recite that the inner panel has "a first flexibility" and the outer panel has a "second flexibility greater than the first flexibility." In other words, the outer panel must be more flexible than the inner panel. In addition, claims 1 and 6 have been amended to recite that the perimeter edge includes an "exposed surface", i.e., a surface not in direct contact with any other member or surface, that is spaced apart from the vehicle body to define a gap between the inner panel and the vehicle body. Pokorzynski fails to teach or suggest a vehicle panel having an outer panel more flexible than the inner panel or an inner panel having an exposed surface, as now recited in amended claims 1 and 6, under either interpretation.

Under the first interpretation, Examiner clearly identifies the foam layer (35) as the "inner panel" and the skin (25) as the "outer panel." The foam layer (35) as

taught by Pokorzynski does not include a "perimeter edge having exposed surface" as recited in amended claims 1 and 6. There is no perimeter edge having an exposed surface in Pokorzynski as all surfaces of the foam layer (35) are in contact with other surfaces. As shown in Fig. 2 of Pokorzynski, foam layer (35) is in direct contact with either the skin (25) or the substrate (18). According to the disclosure of Pokorzynski, this is necessarily the case as the foam layer (35) is a result of an injection molding process wherein a closed-cell urethane foam is injected through apertures (19) to "fill the space between skin 25 and substrate 18." (Page 2, ¶11). As such, Pokorzynski fails to teach or suggest an inner panel with a "perimeter edge having an exposed surface" as specifically recited in amended independent claims 1 and 6.

Under the second interpretation, Examiner clearly identifies the skin (25) as the "inner panel" and the panel or substrate (18) as the "outer panel." According to the disclosure of Pokorzynski, however, the skin (25) is soft to provide a "padded" or "cushioned" feel while the substrate (18) is "rigid" having a "hard outer surface." (Page 1, ¶ 10; Page 2, ¶ 11; Page 1, ¶ 9). Accordingly, Pokorzynski fails to teach or suggest that the outer panel is more flexible than the inner panel as specifically recited in amended independent claims 1 and 6. For at least these reasons, the rejection of amended independent claims 1 and 6 should be withdrawn.

Claim 11 has been amended in a similar manner. In particular, claim 11 has been amended to recite that the covering is more flexible than the trim panel and that the trim panel includes an exposed edge. Claim 11 does not specifically recite an inner panel but recites a trim panel having an outer surface. To properly reject claim 11

under the first interpretation, Examiner must identify the foam layer (35) as the "trim panel" (to the exclusion of substrate (18)) and the skin (25) as the "covering." As stated above, however, the foam layer (35) does not have an "outer exposed edge" as specifically recited in amended independent claim 11. Furthermore, to properly reject claim 11 under the second interpretation, Examiner must identify the skin (25) as the "trim panel" and the substrate (18) as the "covering." Again, as stated above, under this interpretation, the covering is not more flexible than the trim panel as required by claim 11. Accordingly, Applicant respectfully submits that Pokorzynski fails to teach or suggest the combination of elements recited in amended independent claim 11 and the rejection should be withdrawn.

Moreover, as claims 2-5, 7-10 and 12-15 depend from allowable independent claims 1, 6 and 11 respectively, and further as each of these claims recites a combination of elements not taught or suggested by Pokorzynski, Applicant submits that these claims are allowable as well.

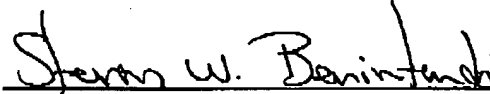
Conclusion

In view of the foregoing response, this application is submitted to be in complete condition for allowance and early notice to this effect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Applicant does not believe that any fees are due in connection with this response. However, if such petition is due or any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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